

Lyon & Lyon LLP  
 Docket Information  
239/029

**DECLARATION**  
**Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **GUIDEWIRE FILTER AND METHODS OF USE** the specification of which

(Check One)  is attached hereto OR  
 was filed on \_\_\_\_\_ as United States Application Serial No. Not yet assigned or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed<br>Yes | Priority Claimed<br>No |
|-------------------------------------|---------|----------------|-------------------------|------------------------|
|                                     |         |                |                         |                        |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
|                       |             |

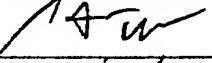
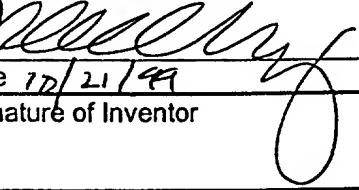
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|--------------------------------|-------------------|--------------------|---------------------------------------|
|                                |                   |                    |                                       |

|                                     |   |  |
|-------------------------------------|---|--|
| Send Correspondence to: John Kappos | LYON & LYON LLP<br>633 W Fifth St., Suite 4700<br>Los Angeles, CA 90071 | Direct Telephone calls to:<br>(714) 751-6606 |
|-------------------------------------|---|--|

|     |                         |                       |  |                               |                   |
|-----|-------------------------|-----------------------|--|-------------------------------|-------------------|
|     | FULL NAME OF INVENTOR   | FIRST Name<br>ROSS    | MIDDLE Initial                         | LAST Name<br>TSUGITA          |                   |
| 201 | RESIDENCE & CITIZENSHIP | City<br>Mountain View | State or Foreign Country<br>California | Country of Citizenship<br>USA |                   |
|     | POST OFFICE ADDRESS     | 1653 Gretel Lane      | City<br>Mountain View                  | State or Country<br>CA        | Zip Code<br>94040 |
|     | FULL NAME OF INVENTOR   | FIRST Name<br>JEAN    | MIDDLE Initial                         | LAST Name<br>CHANG            |                   |
| 202 | RESIDENCE & CITIZENSHIP | City<br>Mountain View | State or Foreign Country<br>California | Country of Citizenship<br>USA |                   |
|     | POST OFFICE ADDRESS     | 645 Clyde Avenue      | City<br>Mountain View                  | State or Country<br>CA        | Zip Code<br>94043 |
|     | FULL NAME OF INVENTOR   | FIRST Name            | MIDDLE Initial                         | LAST Name                     |                   |
| 203 | RESIDENCE & CITIZENSHIP | City                  | State or Foreign Country               | Country of Citizenship        |                   |
|     | POST OFFICE ADDRESS     |                       | City                                   | State or Country              | Zip Code          |
|     | FULL NAME OF INVENTOR   | FIRST Name            | MIDDLE Initial                         | LAST Name                     |                   |
| 204 | RESIDENCE & CITIZENSHIP | City                  | State or Foreign Country               | Country of Citizenship        |                   |
|     | POST OFFICE ADDRESS     |                       | City                                   | State or Country              | Zip Code          |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |          |
|---|----------|
| Signature of Inventor   | 201      |
|  |          |
| Date  | 10/28/95 |
| Signature of Inventor   | 202      |
|  |          |
| Date  | 10/21/95 |
| Signature of Inventor   | 203      |
|  |          |
| Date  |          |

|                       |     |
|-----------------------|-----|
| Signature of Inventor | 204 |
|                       |     |
| Date                  |     |
| Signature of Inventor | 205 |
|                       |     |
| Date                  |     |
| Signature of Inventor | 206 |
|                       |     |
| Date                  |     |

(Signatures should conform to names as presented at 201 et seq. above.)

POWER OF ATTORNEY  
By Assignee

EMBOL-X, Inc., assignee(s) of the application for United States Letters Patent for an improvement in GUIDEWIRE FILTER AND METHODS OF USE by Ross Tsugita and Jean Chang the specification of which is

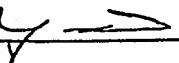
filed herewith, or  
 filed \_\_\_\_\_ having Serial No. \_\_\_\_\_

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; Stephen S. Komiczky, Reg. No. 34,853; James P. Brogan, Reg. No. 35,833; David A. Randall, Reg. No. 37,217; Christopher A. Vanderlaan, Reg. No. 37,747; and John Kappos, Reg. No. 37,861, and Jon Hallman, Reg. No. 42,622.

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|-------------------------|--|--|
| Send Correspondence to: | LYON & LYON LLP<br>633 W Fifth St., Suite 4700<br>Los Angeles, CA 90071-2066 | Direct Telephone calls to:<br>(714) 751-6606 |
|-------------------------|--|--|

the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s) which is filed for recordation herewith. To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |  |
|--|--|
| Full Name of Assignee:   | EMBOL-X, INC.                                  |
| Post Office Address  | 645 Clyde Avenue, Mountain View, CA 94043-2213 |
| Signature of Declarant or Assignee:  | Date:  |
|  10/21/88 |  |

|                         |  |
|-------------------------|--|
| Full Name of Declarant  |  |
| If Other Than Assignee: | Yue-Teh Jang                                   |
| Title of Declarant:     | President and CEO                              |
| Address of Declarant:   | 645 Clyde Avenue, Mountain View, CA 94043-2213 |

**ASSIGNMENT**

**WHEREAS**, EMBOL-X, Inc., a Delaware corporation with its principal offices located at 645 Clyde Avenue, Mountain View, California 94043-2213, U.S.A., owns all rights, title and interest in the following pending U.S. patent applications and issued patents as well as all patent applications claiming priority therefrom:

| <u>Appl. Serial No./<br/>Patent No.</u> | <u>Filing Date/<br/>Issue Date</u> | <u>Title of Application/<br/>Patent</u>   |
|---|------------------------------------|---|
| 09/335,849                              | June 15, 1999                      | Guiding Catheter for Positioning a Medical Device Within an Artery  |
| 09/366,192                              | August 3, 1999                     | Guided Filter with Support Wire and Methods of Use  |
| 09/369,052                              | August 4, 1999                     | Filter Flush System and Methods of Use  |
| 09/369,060                              | August 4, 1999                     | Percutaneous Catheter and Guidewire for Filtering During Ablation of Myocardial or Vascular Tissue            |
| 09/421,138                              | October 19, 1999                   | Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities                  |
| 09/440,204                              | November 15, 1999                  | Guidewire Filter and Methods of Use   |
| 09/453,659                              | December 3, 1999                   | Distal Protection Device and Method   |
| 09/455,013                              | December 3, 1999                   | Guidewire Having Filter and Medical Device Deployment Capabilities  |
| 09/470,026                              | December 22, 1999                  | Endoluminal Occlusion-Irrigation Catheter with Aspiration Capabilities and Methods of Use                     |
| 09/481,774                              | January 11, 2000                   | Guidewire Having Filter and Medical Device Deployment Capabilities  |
| 09/560,360                              | April 28, 2000                     | Guidewire Filter and Methods of Use   |
| 5,662,671                               | September 2, 1997                  | Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries |
| 5,895,399                               | April 20, 1999                     | Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries |
| 5,910,154                               | June 8, 1999                       | Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment                               |
| 5,911,734                               | June 15, 1999                      | Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities                  |
| 5,993,469                               | November 30, 1999                  | Guiding Catheter for Positioning a Medical Device Within an Artery  |
| 5,997,557                               | December 7, 1999                   | Method for Aortic Atherectomy   |
| 6,010,522                               | January 4, 2000                    | Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries |
| 6,027,520                               | February 22, 2000                  | Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities;                 |

WHEREAS, SciMed Life Systems, Inc. is a Minnesota corporation with its principal address at One SciMed Place, Maple Grove, Minnesota 55311-1566, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, EMBOL-X, Inc., has assigned and transferred, and by this instrument does assign and transfer unto said SciMed Life Systems, Inc., its successors or assigns, the entire right, title and interest, for all countries, in and to all inventions and improvements disclosed in the aforesaid applications and patents, and in and to any and all patent applications which shall be filed in all countries for said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Patents which may be granted therefrom, provided, however, that EMBOL-X, Inc. does not assign or transfer to SciMed Life Systems, Inc. U.S. Patent No. 6,042,598 and U.S. Application Serial No. 09/455,011, filed December 3, 1999, both directed to EMBOL-X, Inc.'s field of use as defined in the parties' prior agreement, and any patent or application claiming priority to U.S. Patent No. 6,042,598 or U.S. Application Serial No. 09/455,011 that is directed to EMBOL-X, Inc.'s field of use as defined in the parties' prior agreement.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17<sup>th</sup> day of November, 2000.

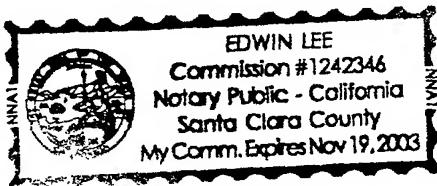
EMBOL-X, INC.

By: Yue Zhi Tang  
Title: President & CEO

STATE OF CA )  
) ss.

COUNTY OF Santa Clara )

On this 17 day of November, 2000, before me personally appeared Yue-Teh Jaung  
✓ to me known to be the person described in and who executed the foregoing  
instrument and acknowledged that he/she executed the same as his/her free act and deed.



  
Notary Public